

RESOLUTION NO. _____ (R.O.I.)

**RESOLUTION OF INTENTION TO LEVY AN ANNUAL
ASSESSMENT IN THE SALINAS UNITED BUSINESS ASSOCIATION
BUSINESS IMPROVEMENT AREA FOR FISCAL YEAR 2023-2024**

WHEREAS, Division 18, Part 6, of the California Streets and Highways Code authorizes the establishment of a Parking and Business Improvement Area pursuant to the provisions of section 36500, et seq.; and

WHEREAS, the former Sunset Avenue Redevelopment Area is occupied by businesses and retail stores which are underutilized and unable to attract customers due to inadequate facilities, services and activities in the business district; and

WHEREAS, the Salinas City Council adopted Ordinance No. 2437 establishing the Salinas Unified Business Area Business Improvement Area (SUBA BIA) on August 24, 2004; and

WHEREAS, the Salinas United Business Association (SUBA) is a 501(c)(6) nonprofit corporation appointed by the City Council to serve as the advisory board of the SUBA BIA.

WHEREAS, said BIA method of assessment was revised in Ordinance No. 2455, adopted by Council on September 15, 2005; and

WHEREAS, on November 5, 2019, the Salinas City Council adopted Ordinance 2622 amending the Salinas Municipal Code to transfer the responsibility of remitting and collecting the SUBA BIA assessment from the City to SUBA; and

WHEREAS, the City Council has received the FY 2022-2023 annual report from the advisory board (Salinas United Business Association) for the SUBA BIA (Annual Report). The Annual Report is on file with the City Clerk at 200 Lincoln Avenue, Salinas, CA 93901 and includes descriptions of proposed activities and improvements for 2023-2024, and

WHEREAS, SUBA proposes no changes to the SUBA BIA boundary or to the calculation of assessment, and

WHEREAS, the SUBA proposes that the City of Salinas adopt a Resolution of Intention to levy an assessment on the businesses within the SUBA BIA for fiscal year 2023-2024; and

WHEREAS, the City of Salinas has determined that the proposed action of accepting SUBA's annual report and approving the Resolution of Intention setting the public hearing date for consideration of SUBA's annual levy of assessment is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

NOW, THEREFORE, BE IT RESOLVED BY THE SALINAS CITY COUNCIL:

SECTION 1. The City Council approves the FY 2022-2023 Annual Report and proposes to levy assessments within the SUBA BIA for FY 2023-2024.

SECTION 2. The revenue received by levy of an assessment within the SUBA BIA shall be used only for purposes specifically permitted by the PBID Law and for no other purposes.

SECTION 3. The name of the business improvement area is "SUBA Business Improvement Area" and its boundaries are as shown on the map attached, which is incorporated herein by this reference.

SECTION 4. The Salinas City Council of the City of Salinas shall consider the levy of an assessment for the SUBA BIA for FY 2023-2024 at a public meeting on September 26, 2023, at 4 p.m. in the City Hall Rotunda, 200 Lincoln Avenue, Salinas, California. The Council will hear the written testimony of all interested persons for or against the levy of an assessment for FY 2023-2024.

a. Interested persons may protest the levy of an assessment for the SUBA BIA for FY 2023-2024 in writing. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.

Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if the person subscribing to protest is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with these requirements, shall not be counted in determining a majority protest.

The City Council may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. Every written protest shall be filed with the City Clerk at or before the time fixed for the public hearing. Any written protest may be withdrawn, in writing, at any time before the conclusion of the public hearing.

b. If written protests are received from the owners of businesses in the SUBA BIA which will pay 50% or more of the assessments proposed to be levied in FY 2023-2024 and protests are not withdrawn so as to reduce the protests to less than that 50%, no further proceeding to levy an assessment for FY 2023-2024 shall be taken for a period of one year from the date of the finding of a majority protest. If the majority protest is only against the furnishing of a specified type of improvement or activity in the Parking and Business Area, those types of improvements or activities will be eliminated.

SECTION 5. The City Clerk is directed to cause this Resolution of Intention to be published once in a daily newspaper of general circulation, published, and circulated in the City of Salinas, not less than seven days before the public hearing scheduled for September 26, 2023.

PASSED AND ADOPTED this 8th day of August 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk